

## HUMAN SERVICES BOARD

## INTRODUCTION

## FINDINGS OF FACT

3. The petitioner appealed this decision as part of another Fair Hearing (No. 18,250). At a hearing in that matter held on February 20, 2003, the petitioner informed the

Department that although his Social Security had recently increased, this amount was more than offset by a deduction for a Medicare premium of \$58.70 a month. Based on this additional information the parties agreed that the Department would review the petitioner's Food Stamp eligibility.

4. The Department subsequently determined that the deduction for the Medicare premium continued to make the petitioner eligible for Food Stamps of \$10 a month. Because the petitioner requested a hearing after the Department's initial determination, he has continued to receive \$10 a month in Food Stamps since January 1, 2003.

5. Following the Department's notification of its recalculation of the petitioner's benefits the petitioner filed the instant appeal. He maintains that \$10 a month is an insufficient amount of Food Stamps given his present financial situation.

6. There is no dispute that the petitioner has reported and the Department has accurately determined his monthly housing expenses.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 et seq. All households are entitled to a standard deduction of \$134 (FSM § 273.9d(1) and Procedures Manual P-2590-A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their income (FSM § 273.9d[5]). The petitioner also qualifies for a deduction for the amount that his Medicare premium exceeds \$35 a month (FSM § 273.9[d][3][v.]). There is no indication that the Department has not allowed the petitioner all the deductions for which he qualifies.

Under the Department's regulations the cutoff net income figure for a single person household to qualify for more than the \$10 a month Food Stamp payment minimum is \$410 (Procedures Manual § P-2590 D9). There is no dispute in this matter that the petitioner's net income is well in excess of this amount.

Inasmuch as the Department's decision appears to be in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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